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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,225	03/21/2001	Shinya Kano	FUJY 18.458	2006
26304	7590	12/14/2005		
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER BILGRAMI, ASGHAR H				
ART UNIT			PAPER NUMBER	
2143				

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,225

Applicant(s)

KANO ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (U.S. 6,598,071) and Sreenan et al (U.S. 5,742,772).

4. As per claims 1, 2, 3, 25, 26, 32 & 34 Hayashi disclosed a service setting system comprising: at least more than one service control apparatus for controlling whether setting of service requested for communication should be performed, based on the service request packet received from the relay apparatus; a source communication terminal for transmitting a the service request packet, wherein the service request packet stores a parameter of a service

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requested for said communication, an address of a communicating apparatus of a said service target, a current source address which is an address of origin and a current destination address which is an address of designation both for transferring and receiving own packets (col.4, lines 13-37 & col.11, lines 14-43), wherein said service control apparatus: has a first path information storing a correspondence relationship between an address of a communication terminal which is a designation of said service request packet request and an address of an apparatus which is a designation of a next service request packet; rewrites said current source address in said service request packet to an own address based on said first path information of receiving said service request packet (col.3, lines 34-55); transmits a service request packet, in which said current source address and said current destination address is rewritten, to an apparatus indicated in a current destination address after rewriting said current destination address in said service request packet to an address of an apparatus which is a designation of the next service request packet to an address of an apparatus which is a designation of the next service request packet; and transmits said service request packet in a case where said setting of service requested for communication is permitted (col.3, lines 56-67 & col.4, lines 1-11). However Hayashi did not disclose in detail a relay apparatus for judging whether said packet of service request should be transmitted to said service control, apparatus which controls own said setting of service based on said current source address in said packet of service request, wherein said relay apparatus transfers said service request, packet to a service control apparatus controlling the relay apparatus, if said current source address in said service request packet does not indicate an address of a service control apparatus, and said relay apparatus transfers said service request packet to an apparatus except a service control apparatus which should next be received if said

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current source address in said service request packet indicates an address of a service control apparatus.

In the same field of endeavor Sreenan disclosed a relay apparatus for judging whether said service request packet should be transmitted to said service control, apparatus which controls own said setting of service based on said current source address in said packet of service request (col.2, lines 1-22, col.3, lines 63-67 & col.4, lines 1-39), wherein said relay apparatus transfers said service request, packet to a service control apparatus controlling the relay apparatus, if said current source address in said service request packet does not indicate an address of a service control apparatus, and said relay apparatus transfers said service request packet to an apparatus except a service control apparatus which should next be received if said current source address in said service request packet indicates an address of a service control apparatus (col.6, lines 31-56 & col.8, lines 14-25),

It would have been obvious to one having ordinary skill in the art at the time this invention was made to have incorporated the capability of passing the service request to a service control apparatus having its own predetermined settings based on the source address in the service setting system. Incorporating this capability would give the service setting system control of the resources and in turn provide reliable and robust services to clients.

5. As per claims 4, 5, 23 & 33 Hayashi-Sreenan disclosed the service setting system according to any one of claims 1 to 3, wherein: said service control apparatus has a first path information storing a correspondence relationship between an address of a communication terminal which is a designation of said packet of service request and an address of an apparatus

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which is a designation of the next packet of service request (Hayashi, col.3, lines 34-50); rewrites said current source address in said packet of service request to an own address based on said first path information of receiving said packet of service request; and transmits a packet of service request, in which said current source address and said current destination address is rewritten, to an apparatus indicated in a current destination address after rewriting said current destination address in said packet of service request to an address of an apparatus which is a designation of the next packet of service request (Hayashi, col.4, lines 13-36).

6. As per claims 7, 8, 14, 27, 29, 35, 36 Hayashi-Sreenan disclosed the service setting system according to any one of claims 1 to 6, wherein: said relay apparatus has a second path information storing correspondence relationship between an address of a communication terminal, which is a designation of said packet of service request, and an address of an apparatus that is a designation of a next packet of service request; rewrites said current source address in said racket of service request to an own address, in case said current source address is an address indicating said service control apparatus on receiving said packet of service request (Sreenan, col.3, lines 36-67 & col.4, lines1-39), based on the said second path information; and transmits said current source address and said current destination address to an apparatus indicated in a current destination address after having rewritten said current destination address in a said packet of service request to an address of an apparatus which is a designation of the next packet of service request (Hayashi, col.4, lines12-36).

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7. As per claims 9, 10, 11 Hayashi-Sreenan disclosed the service setting system according to any one of claims 1 to 8, further comprising: one communication terminal of at least more than 2 communication terminals communicating each other, being a designation of: said communication which transmits a packet of completion notice indicating that said communication terminal had received said packet of service request, wherein said packet of completion notice stores an own address as a current source address, which is an address of an source apparatus between apparatuses that currently performs transmission and reception of data in said communication, and a current destination address which is an address of a destination apparatus between apparatuses that currently performs transmission and reception of data (Hayashi, col.3, lines 34-50 & col.4, lines 13-36).

8. As per claims 12 & 13 Hayashi-Sreenan disclosed The service setting system according to any one of claims 9 to 11 wherein: said service control apparatus has a first storing means for storing said current source address before rewriting in said received packet of service request; said service control apparatus, which received said packet of completion notice, rewrites said current source address in said packet of service request to an own address (Hayashi, col.4, lines 13-36); and said service control apparatus rewrites said current destination address in said packet of service request to an address stored in said first storing means, and said service control apparatus transmits a packet of completion notice, in which said current source address and said current destination address is rewritten (Hayashi, col.6, lines 15-24) .

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9. As per claims 15 & 16 Hayashi-Sreenan disclosed the service setting system according to any one of claims 9 to 14, wherein: said service control apparatus performs setting on said service requested for communication to said relay apparatus on receiving said packet of completion notice, based on a parameter on said service requested for communication stored in said packet of service request (Sreenan, col.7, lines 59-67 & col.8, lines 1-3).

10. As per claims 17, 18, 19,20 & 24 Hayashi-Sreenan disclosed the service setting system according to any one of claims 1 of 15 further comprising: one communication terminal of at least more than 2 communication terminals communicating each other, transmitting an error packet indicating provision of said service is not possible after having received said packet of service request; wherein said error packet stores, an own address as a current source address which is an address of an origin between apparatuses which currently perform transmission and reception of data in said communication, and a current destination address that is a designation between apparatuses, which currently perform transmission and reception of data in said communication., in case a provision of said service is not possible (Hayashi, col.12, lines 44-59).

11. As per claims 21, 22 & 31 Hayashi-Sreenan disclosed the service setting system according to any one of claims 17 to 20, wherein: said service control apparatus has a third memory means for storing said current source address before rewriting in said received packet of service request; said service control apparatus, which received said error packet, rewrites said current: source address in a said error packet to an own address, and rewrites said current destination address in said error packet to a current source address stored in said third memory

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means, and transmits an error packet (Hayashi, col.12, lines 44-59), in which said current source address and said current destination address are rewritten, to an apparatus indicated in an address stored in said third memory means (Hayashi, col.5, lines 66-67 & col.6, lines 1-10).

12. As per claims 28 & 30 Hayashi-Sreenan disclosed the service setting system according to any one of claims 25 to 27, wherein: said communication terminal, which received said packet of path search, takes out said last relay apparatus destination address of a said packet of path search and stores said taken out last relay apparatus destination address as a current destination address of said packet of service request (Hayashi, col.4, lines 12-36 & col.5, lines 52-65).

13. As per claim 37 Hayashi-Sreenan disclosed the service setting system according to claim 1, wherein: said server control apparatus detects the relay apparatus which relay a communication being a target service relating to said service request packet, communicates with all relay apparatuses that are detected, and performs setting necessary in service provision for these relay apparatus (col.3, lines 34-50 & col.4, lines 13-36).

Response to Arguments

14. Applicant's arguments filed 09/21/2005 have been fully considered but they are not persuasive.

15. The examiner conducted an interview with applicant's representative and the examiner suggested amending specific parts of claim 1 which will help to tie-in the function of various

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components of the invention and provide a clear understanding of the claimed invention. From the last telephonic contact on December 6 2005 with the applicant's representative, appropriate changes in the independent claims are being implemented at this time.

16. The applicant argued that Hayashi does not disclose a relay apparatus for judging weather the service request packet should be transmitted to the service control apparatus which controls its own setting of service based on the current source address as claimed by the applicant.

As to applicant's argument Hayashi disclosed relay apparatus (plurality of servers or routers) having a specified addresses providing a service to a client, the traffic is continually monitored between the client and the server by detection means which basically judging the traffic (col.3, lines 34-50) and based on a certain criteria which can also be termed as permissions the relay apparatus can switch to different server and thus control the forwarding address of the service packet (col.4, lines 13-36 & col.12, lines 63-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami
Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100